

MINUTES

CLARENDON COUNTY COUNCIL REGULAR MEETING

May 10, 2010 6:00 P.M.

**F. E. DuBose Career Center Auditorium
Manning, SC**

The **Regular meeting** of the Clarendon County Council was held on Monday, **May 10, 2010**, at 6:00 PM in the **Auditorium of the F. E. DuBose Career Center, in the Alcolu area of Manning, S.C.**

In attendance were:

County Council Chairman Dwight L. Stewart, Jr.
County Council Vice-Chairman W. J. Frierson
County Councilman Billy Richardson
County Councilman Benton Blakely
County Councilman A. C. English, Jr.
County Administrator Bill Houser

Press in attendance: Cathy Gilbert of **The Clarendon Citizen**, Bobby Baker with **The Item and The Clarendon Sun**, and Jason Lesley and Daniel Lackey of **The Manning Times**.

Others in attendance: Betty S. Pritchard, Clerk to Council; David W. Epperson, County Attorney; Linda P. Lemon, Human Resource Director; Mia Jackson, Senior Secretary, Administration; Lynden Anthony, Controller; Tammy Rodvansky, Budget Analyst; Anthony Mack, Emergency Operations Director; Dr. Tim Hardee, President of Central Carolina Technical College; Dr. Connie Dennis, Superintendent, and Sandra Bagnal, Finance Director, of Clarendon School District #3; John Tindal, Superintendent, and Cathy Pompey, Finance Director, of Clarendon School District #2; Dr. Rose H. Wilder, Superintendent, and J. Lyde Graham, CPM, Finance Director, of Clarendon School District #1; Patricia Pringle, Auditor; Loretta Pollard, Beth McLeod, J. T. Myers, Nancy Cave and Janie Fulghum, members of the Animal Control Ordinance Review Committee; Patrick Goodwin, Administrator of the Town of Turbeville; Marilyn Tsirigotis, County Library Director; Rick Richards from County Law Enforcement; and other community residents.

Chairman Stewart opened the meeting at 6:00 PM. He welcomed all in attendance after which Vice-Chairman Frierson gave the Invocation followed by the Pledge of Allegiance recited in unison.

Following a review of the **Minutes of the Regular County Council Meeting**

of April 12, 2010, and upon motion of Councilman English, seconded by Councilman Blakely, these **Minutes were approved as presented.**

At 6:05 PM, Chairman Stewart opened the **Public Hearings** for discussion and public comments on the following Ordinances:

1) Ordinance #2010-07 To Provide for the Control and Regulation of Animals in Clarendon County and Other Related Matters. Attorney Epperson reported that the newly appointed Animal Control Ordinance Review Committee met in March to review the proposed Ordinance. He reported that the full seven-member Committee, chaired by the County Attorney, reviewed the draft Ordinance very thoroughly by discussing each section of the Ordinance. He stated that the Committee made only some minor verbiage changes and that they did not address funding mechanisms or enforcement since this is not the intent of this Ordinance. He stated that the Ordinance is a scaled-down version of the initial Ordinance and simply lays the groundwork to create the Animal Control Department and authorize Law Enforcement to pick up stray dogs within the County. He then summarized the proposed Ordinance as recommended by the Committee, as follows: Section II: Definitions; Section III: Animal Control Department; Section IV: Running At Large; Section V: Impoundment of Animals Found Running At Large, which he explained in detail. Any Animal, which cannot be positively identified, has been impounded for at least five (5) days and is unclaimed by its owner, may be disposed of by the Animal Control Facility's personnel in a humane way or such Animals may be turned over to any organization established for the purpose of caring for animals. If an Animal has been positively identified and its owner notified by standard U.S. mail, the owner must notify the Animal Control Officer(s) within fourteen (14) days of the date of mailing of the notification that he or she will pick up his or her Animal. If the owner does not pick up his or her Animal within this time period, the Animal may be disposed of. Before any Animal is released from the Animal Control Facility, the Facility's personnel must be satisfied that the Animal is currently inoculated against rabies or will be inoculated against rabies within seven (7) days from the date of release and the owner or keeper must pay a quarantine (housing) fee of \$ 50.00, an additional fee of \$ 5.00 per day for every day the pet has been quarantined and an administrative fee of \$ 10.00. Section VI: Vicious Animal Restraint. Section VII: Hunting Exception, which he explained. Any animal engaged in the act of hunting, while accompanied by an owner or other person with custody and control of the Animal, shall be exempt from the provisions of this Ordinance. Section VIII: Enforcement. This Ordinance will be enforced within the County and enforcement within the municipalities can be done with an agreement with the municipalities. Section IX. Penalty.

Chairman Stewart asked the Attorney to explain how the Committee was formed. Attorney Epperson explained that applications were mailed out to a number of individuals who had expressed an interest in serving on the Animal Control Ordinance

Review Committee, and seven of the applications were returned indicating their agreement to serve. This was a diverse group of pet owners, hunters, members of the Animal Shelter, and concerned residents. The applications were submitted to County Council who approved the Committee members. Epperson reiterated his recommendation to allow this Committee to remain intact to review and consider any proposed changes to the Ordinance that may need to be made once the program is in operation.

Chairman Stewart also asked Attorney Epperson to define “running at large” for the benefit of those who may not have a clear understanding of this section. Attorney Epperson referred Council to page 2 of the Ordinance, Section IV, and read the section, “It shall be unlawful for any Animal owner or other person with custody and control of an Animal to allow such Animal to run at large off of property owned, rented or controlled by him or her so as to constitute a nuisance to the person or property of another.” Epperson commented, “Keep in mind that when the Committee reviewed the draft Ordinance, we did not address any areas of operation or enforcement policy. The Animal Control Officer will have discretion to enforce the Ordinance.” He added that this Ordinance mirrors the State Law and that the County can only enforce the State Law if it adopts an Ordinance that follows the State Code. He explained that the effective date has been changed to January 1, 2011, which will allow time to hire and train the Animal Control Officer, prepare the Animal Control facilities, and establish some operating procedures, as well as give the public time to become familiar with the Ordinance. Chairman Stewart asked for questions from Council members.

Councilman Richardson: *“A ‘vicious’ dog will be determined by its behavior and not by its breed, correct?”* **Epperson** responded, *“Yes, this definition is taken directly from the State Code.”*

Councilman Blakely: *“The vet has been going around the County and giving rabies shots at designated sites for \$ 3.00. This is certainly a help to people with pets.”*

Christine Sheppard: *“When you hire the Animal Control Officer, you need to get someone who is from here and knows who is mistreating animals. I have seen people mistreating their animals and Law Enforcement just turns a deaf ear to this problem. No animals should be euthanized unless they are so sick they cannot continue to live. The public needs to be educated about how to care for animals. I have tried for 29 years to get something done about this and can get nowhere!”*

J. T. Myers: *“I am a member of the Animal Control Ordinance Review Committee and am also on the Board of Directors of the Second Chance Animal Shelter a/k/a Animal Shelter of Clarendon County. I strongly recommend that Council pass this Ordinance as the County is in desperate need of this service. The Animal Shelter gets calls every day asking that we pick up animals for various reasons. We*

cannot do this, we are not authorized to do this and we cannot go on another person's property. I hope that the majority of you will agree that Council should pass this Ordinance. Hunters may be controversial but sometimes you need to pass something for the greater good. At the Shelter, we do have a low cost spay and neuter program via an agreement with Charleston." Chairman Stewart thanked Myers for his service on the Committee and for his support.

Janie Fulghum: *"I am also a member of the Animal Control Ordinance Review Committee. Although this Committee could not address the funding of the Animal Control program, as an individual I urge Council to consider setting up a separate account for this program. This will just be the foundation but we know it will grow and perhaps you need to have a Special Fund so that as it grows, it will fund itself. If this Animal Control program could become self-funding, it would be a good thing."* Chairman Stewart thanked Fulghum for her service on the Committee and for her comments.

Howard Judd: *"Thank you for the opportunity to comment on this proposed Ordinance. You have obviously removed many sections of the initial Ordinance you created. How long before we get other changes, rules, regulations, increased taxes, etc.? You have satisfied 10% of the people who want this. By passing this Ordinance, you are imposing a part-time tax on me. It will cost me \$1500 to fence my yard, then Santee-Cooper will tax me extra for this. Every time I cut my grass around that fence, this intrusive Council will be in the back of my mind. This resident believes that the proposed Ordinance will not improve the quality of life in Clarendon County but will diminish it."*

Chairman Stewart explained that there are some 3,000 to 4,000 animals that are not cared for but are left to fend for themselves. He commended Mr. Judd, *"Just as you point out, you do a good job of controlling your animals but unfortunately many residents do not."* He further explained, *"Some animals never stray from their property lines so it may not be necessary for you to put up a fence. I hope it won't be quite as onerous as you may think. We have a problem that I hope we can deal with sooner rather than later."*

David Holder: *"I have lived all over the country from Texas to Buffalo and I rank Clarendon County as second best in the quality of life. You are diminishing the quality of life with this. You need to tighten up this Ordinance where it will not be so intrusive. I don't think this is necessary."*

Jacquelin Chamber: *"We do have a problem....but how about the employees and the building facility?"*

Chairman Stewart explained, *“This simply enforces a law that is already on the books. We tried not to stray far from the State Law. We cannot enforce the State Law without having passed the local Ordinance.”*

Loretta Pollard: *“I would like to commend the County for forming this Committee. This County is progressing and it looks like poor management when you see poor, emaciated animal strays. I recently read a survey in which more than 100 people participated in listing the top 20 concerns. Some of those listed were the obvious ones – unemployment, homeless, education – and animal welfare ranked #3 on the list. We cannot progress without an Animal Control Ordinance and this is a very basic one.”*

Chairman Stewart commented, *“We certainly appreciate your service on the Committee and your support. Unfortunately this is a law that affects even folks that are doing a good job with their animals. Some citizens are just not responsible.”* He likened the animal control to the litter problem which is a community problem that costs money to control and maintain.

Loretta Pollard: *“As a member of the Animal Shelter, I would also like to make a plea for you to consider restoring some funding for the Animal Shelter. If you cannot do it as County Council, then I urge each of you to make a donation individually and become members.”*

Dean Peet: *“Do you plan to increase taxes to pay for this? If not, then put it in the Ordinance that it can never be funded by taxes.”*

Chairman Stewart commented that he did not believe such a statement could be put in the Ordinance to bind future Councils. Attorney Epperson stated, *“If this Ordinance passes and any amendments are desired thereafter, an Amended Ordinance will have to come back before Council and have three readings and a public hearing before it is passed.”*

Jim Latham: *“I have two concerns. 1) How will this program be funded? Epperson answered, “Ad valorem taxes.” 2) “How will it be enforced?” Epperson answered, “County Law Enforcement.” Lathan:* *“You said there is a State law and the County must pass this Ordinance in order to enforce the State law. There are a number of laws that are not being enforced.” Epperson answered, “We try to enforce every Ordinance we pass.”*

Chairman Stewart commented, *“To augment what Attorney Epperson said, if the Ordinance passes, we will hire an Animal Control Officer to enforce the Ordinance and the program will be paid for through ad valorem taxes. The litter law is difficult to enforce although we make every effort to enforce it. We have to catch someone in the*

act of littering and this is not an easy task. A number of laws fall under this same category."

Councilman Blakely: *"People are concerned that taxes will be increased."* Attorney Epperson responded, *"We are capped this year and cannot increase taxes."* Administrator Houser stated, *"The Animal Control Officer must be a law enforcement officer and this will be a cost of from \$50,000 to \$ 70,000 but we have special funding for this."* Chairman Stewart commented, *"One reason we have delayed this until January 2011 is that we will need to fund it for only one-half of the fiscal year."* Administrator Houser added, *"Part of this is a one-time cost for the facilities building and start-up costs. We are also still open to a partnership if anyone is interested."*

Jim Latham: *"This program is not self-sufficient?"* Chairman Stewart explained that the initial Ordinance contained a registration fee for pet owners; however, because of public outcry primarily over the registration fee, this Ordinance did not pass. He stated that the proposed Ordinance now being considered does not include any registration fees and will not permit the program to be self-sufficient.

David Holder: *"Who pays for stray animals?"* Chairman Stewart read Section V. Impoundment of Animals Found Running at Large, Sub-Sections B, C and D which stipulates the disposition of stray animals which cannot be positively identified, animals which are identified and remain unclaimed, as well as animals positively identified and claimed by the owner. The Chairman also read Section IX. Penalty which stipulates the violation penalties. **Holder:** *So, this Ordinance does not generate any revenue?* The **Chairman** answered, *"That's right. If the County has to have a certified rabies veterinary technician, this is a fee we will all have to share."*

Chairman Stewart **closed the Public Hearing for this Ordinance at 7:00 PM** stating that County Council will vote on this Ordinance later on the Agenda. He then **opened the Public Hearing for an Ordinance** "which promises to be equally as daunting."

2) Ordinance #2010-06 To Adopt FY2010-2011 Clarendon County Budget.

Chairman Stewart reported that Council gave First Reading to the Budget Ordinance at its meeting on April 12, 2010, and asked County Controller Lynden Anthony to present the proposed Budget. Anthony reported the proposed Budget, as approved at First Reading, reflects General Fund Revenues of \$ 17,740,030 and General Fund Expenditures of \$ 18,497,373 resulting in a deficit of \$ 757,343 at First Reading. He emphasized there would be "no new taxes" as result of this Budget. He reported that the General County Obligation Debt is \$ 467,000; the Special Purpose Districts Operational Budgets total \$ 2,725,000, as follows: F.E.DuBose Vocational School \$ 259,500, Fire \$ 1,950,000, and Library \$ 515,000. He added that the Fire Debt is \$ 88,660, the total

anticipated Hospital Debt is \$ 1,465,700 and that the Total Appropriations for Expenditures to be made by Clarendon County, including General County and Special Purpose Districts, is \$ 23,415,288. He noted that no modifications or changes have been made to the Budgets of any Elected Officials.

Chairman Stewart asked if any Council members had any questions. None were offered. He then asked for questions or comments from the public. The following were submitted:

Jim Latham: *“Why do we have a million dollar debt for Clarendon Memorial Hospital when I recall the debt was paid off a few years ago?”*

Lynden Anthony: *“Their Bond Referendum basically had two components – they closed on the first \$ 8.5 million portion of the \$ 22 million dollar Bond and it is anticipated they will close on the remainder of the Bond this fall. The County must be in a position to meet the debt service requirements of the Bond. Clarendon County has no influence on this issue – we are just reporting the facts.”*

Jim Latham: *“How is this money raised?”*

Lynden Anthony: *“There is a line item on your property tax notice for the Hospital debt.”*

Jim Latham: *“How much?” What does that equate to on a \$ 100,000 dollar piece of property?”*

Bill Houser: *“About 20 or 21 mills – about double what you paid last year and will probably hold steady for about 19 years.”*

Toni Baker: *“I picked up a copy of the proposed Budget and have reviewed it thoroughly. I have a couple of problems with it.”* Baker addressed the following:

“Revenue – 3 areas dropped significantly from last year; if we had this revenue, this would have offset the deficit.

Expenses – Personnel costs - In comparing the County employees, I looked at business people, teachers and schools, everyday working people, Senior citizens on Social Security – these are not receiving a COLA this year – yet you show a 3% COLA for the County employees this year. I realize they did not get anything last year – I have no problem with 1 ½ or 2% COLA but 3% is too much. This County lost 600 jobs, we’re

\$ 55 million down in retail sales this year, we have school districts and Senior citizens who are without jobs.

Sheriff's Dept. – reflects 6 new patrol cars and a Tahoe – these vehicles need to be staggered over several years. They are also asking for significant salary increases for several positions within the department as well as a new position in this year's Budget. Council needs to take a second look at these expenses.

Other areas of concern – 2 laptop computers for \$ 5,000 – I don't think this is something we should even consider at this particular time; \$ 122,500 in salary increases including the Auditor's 12% increase for existing employees as well as another \$ 112,650 for new positions. These people have jobs - they have not been asked to take furloughs nor salary cuts. Also the Fire Department requests 3 new firefighters.

\$ 32,000 Tahoe for Public Works and a \$ 28,000 Tahoe for the Sheriff's Dept. – I just cannot justify this expense.

These exorbitant expenses need to be re-examined and put off at least until next year's Budget. If County Council holds firm on denying these requests, people will probably have more respect for Council."

Chairman Stewart commented, "Local governments have been cut to a minimum and the State of South Carolina has not fulfilled their obligations. Our Budget process usually works rather well. When Administrator Houser asked the Department Heads to hold their Budget requests to a minimum with no increases, almost all of the Department Heads under the Administrator's supervision cooperated fully. The Elected Officials were asked to do the same; however, their Budgets were presented to Council as they were received without any changes. I would expect that as with the normal procedure after the Public Hearing and Second Reading of the Budget, Council will direct Administrator Houser and his staff to further review and balance the budget for Third Reading. Through this procedure, most of the concerns addressed by you will be resolved. Council has a responsibility to control the County budget and we monitor this carefully. The Elected Officials have presented their budget requests and now it becomes County Council's job to police the Budget in accordance with the responsibility imposed upon us."

Jim Latham: *"How about this \$ 30,000 boat the Sheriff has on the lake now? Where did this come from?"*

Lynden Anthony: *"The boat was acquired without any local funding. It was paid 100% from a State grant."*

Jim Latham: *"That's still taxpayers' money!"*

Chairman Stewart clarified, **“It was not paid from ad valorem tax funds. We should all be able to agree that if the State continues to cut local funds, the monies**

Page 9

May 10, 2010, County Council Regular Meeting Minutes

will have to come from the taxpayer dollars.” The Chairman thanked the residents for their questions and comments, and **closed the Public Hearing at 7:20 PM.**

Consideration was given to Third Reading of Ordinance #2010-03 to Allow for the Installment Payment of Real Estate Ad Valorem Taxes. Chairman Stewart reported that the Public Hearing was held at the April Council meeting prior to approval of the Second Reading. He then asked Attorney Epperson to present a brief recap of the purpose of this Ordinance. Attorney Epperson explained that Matt Evans, the County Treasurer, presented to Council the proposal to authorize installment payments of Real Estate Ad Valorem Taxes in an effort to lessen the burden on taxpayers by giving them an option to make installment payments per an agreement entered into between the taxpayer and the County Treasurer which will specify the terms and conditions. Upon motion of Councilman Richardson, seconded by Councilman Blakely, **Council voted unanimous approval to Third Reading of Ordinance #2010-03.**

Consideration was given to Third Reading of Ordinance #2010-04 to Restate County Road User Fee and Authorize Assignment of a Portion to Municipal Entity Under Intergovernmental Agreement. Attorney Epperson reported that this Ordinance will allow the County to give the municipalities a portion of the road user fee collected by the County. He added that upon Council's approval, the City will execute an Agreement with the County with the terms and conditions specified. Chairman Stewart commented that this will give the City a source of funding for the maintenance of their streets and roads. He referenced the new street, Kennedy Lane, adjacent to the new CVS store. Upon motion of Vice-Chairman Frierson, seconded by Councilman English, **Council voted unanimous approval to Third Reading of Ordinance #2010-04.**

Consideration was given to Second Reading of Ordinance #2010-07 To Provide for the Control and Regulation of Animals in Clarendon County and Other Related Matters. Chairman Stewart commented, ***“I am not certain this Ordinance will be implemented this year due to budget constraints but action needs to be taken to have the Ordinance in place when funds are available.”*** Councilman Blakely agreed that perhaps implementation should be delayed. Chairman Stewart asked the Administrator to explain the funding for implementation. Administrator Houser reported that funding would come from Special Projects, that he had \$ 50,000-\$ 70,000 in the Budget and that there is already funding in the Sheriff's Department Budget for the Animal Control Officer. He added that the Budget also has built in a second Animal Control Officer. Houser stated that approximately \$ 70,000 is in place for this implementation. Chairman Stewart responded, ***“If for some reason after we have the Ordinance in place, if the funding is not in place, we could decide not to enforce the Ordinance or put it on a back burner until a later date.”*** Attorney Epperson stated, ***“If you are concerned about the funding, I would recommend that you not pass it because***

then we could have an Ordinance on the books that we cannot enforce. Instead, I

Page 10

May 10, 2010, County Council Regular Meeting Minutes

*would recommend delaying the start date.” Councilman English questioned the possibility of tabling the Ordinance until the next Budget. Attorney Epperson responded that if the Ordinance is tabled, it will have to be considered at the next Council meeting or it is aborted. Vice-Chairman Frierson questioned, “If we don’t pass the Ordinance and provide authorization to Law Enforcement, what happens to the stray animals?” Chairman Stewart answered, “Unless the animal is vicious, Law Enforcement will not have authority to pick up per the Sheriff and he will refer the matter to County Council because we have not dealt with it. This is not an issue we should ignore – we are responsible for animals regardless of whether or not we act upon this. It is everyone’s problem. I don’t think it will ever be easier if funding is the issue, Councilman English and Councilman Richardson. I would recommend that we delay the implementation date if County Council does not want to deal with this and I will not argue this point but I would strongly recommend that you pass Second Reading tonight.” Councilman Richardson asked, “How about if we pass it and stipulate for next year’s funding?” Chairman Stewart answered, “If we change this Ordinance to make the effective date to be July 1, 2011, we would not be able to fund it nor could we enforce it.” Vice-Chairman Frierson asked, “What are we going to do with the stray animals until we start doing something? We have to do something – this problem is not going away!” Councilman Blakely commented, “We have already said we are not going to tax animals.” Vice-Chairman Frierson responded, “No, we are not going to tax animals but we still need to do something.” Chairman Stewart commented, “If we do not pass the Ordinance, then when we decide to pursue this, we will have to start all over again, the animals will continue to multiply and they will continue to suffer. The Animal Control Officer costs have been built into this Budget.” Councilman English stated, “I do not know how we will come up with anything more simple than this Ordinance.” Councilman Richardson asked, “Can the Ordinance be amended to become effective when funds are available?” Attorney Epperson answered, “Yes, you can pass it and have it become available when funds are available.” Chairman Stewart questioned, “It would become effective on the date of Third Reading but will not be enforced until funds are available to fund the program?” Administrator Houser questioned this also stating, “This leaves it open-ended.” Attorney Epperson recommended, “Since the money is projected in the Budget, I would leave it like it is – effective January, 2011.” Chairman Stewart summarized the discussion with the comment, “We have a recommendation from the Administrator and from the Attorney to leave it like it is since funding is appropriated.” Upon motion of Councilman Richardson, seconded by Vice-Chairman Frierson, **Council voted unanimous approval to Second Reading of Ordinance #2010-07 as presented with the effective date of January 1, 2011.***

Following conclusion of action on the Animal Control Ordinance, Loretta Pollard made a plea for County Council to consider making personal contributions for

membership to the Animal Shelter of Clarendon County now known as Second Chance Animal Shelter.

Page 11

May 10, 2010, County Council Regular Meeting Minutes

Consideration was given to Presentation of FY 2010-11 Proposed Budgets for the following:

1) Central Carolina Technical College/F. E. DuBose Career Center. Dr. Tim Hardee, President of Central Carolina Technical College, thanked Council for the opportunity to present the CCTC Budget. He reported that in the past, Council has funded CCTC in the amount of \$ 297,000 but they were funded only \$ 200,000 in the current fiscal year. He requested that the funding for CCTC be restored to \$ 297,000 for FY 2010-11. He reported that CCTC is the fastest growing college of 53 colleges in the State of South Carolina, currently has an enrollment of over 4,000 with a 25% enrollment increase each semester during 2009-2010. He reported 597 Clarendon County residents enrolled this year (a 25% increase), and 694 CCTC graduates in 2010 which is the largest graduating class in their history. He was proud to report 98% placement rate for 2009 graduates in the field of study. From a local viewpoint, he reported that a Scotts Branch student was included in the nurses pinning program and that the top nursing graduate this year is from Turbeville. Since its inception in 1962, CCTC has experienced tremendous growth and had an increase of 900 students this past year. He informed Council that the funding received from Clarendon County is used to provide maintenance and operations for the Clarendon and Sumter campuses and that the funding cuts from the State, as well as the approximate 30% cut from Clarendon County for the current budget year, has created many challenges in allowing them to continue to provide the high quality standards for which they strive. He reported that the CCTC employees have had no salary increase in the past three years and again reiterated his request for the CCTC funding to be restored to \$ 297,000 in the FY 2010-11 budget. Chairman Stewart asked for the status of the new nursing program building being built in Sumter. Dr. Hardee stated, *"It's on budget and on schedule. It should be completed on July 23rd and ready for use in August."* He reported that they anticipate having about 600 nursing students; that they will have competitive entry with about 60 new nurses in August increasing to 75 in the fall. They expect to graduate about 100 nurses each year and hope to increase it to about 140 each year in the future. Chairman Stewart thanked Dr. Hardee for his presentation commenting, *"You do a wonderful job with this facility as well as the Sumter campus. This is an opportunity for our students to get a good education at less expense."* Councilman English added, *"We appreciate the fine job you do for us."* Vice-Chairman Frierson echoed his appreciation to Dr. Hardee.

2) Clarendon School District #3. Dr. Connie Dennis, Superintendent, expressed appreciation to Council for their support in the past as well as in the future. She commented that this has been an unusual year for schools but a good one in many ways. She reported that District #3 was fortunate to obtain three grants - \$ 30,750 for

food services, \$ 18,600 for equipment and \$ 4,812 for equipment. Dr. Dennis reported that they received Stimulus money in the amount of \$ 296,000 for technology, Title I

Page 12

May 10, 2010, County Council Regular Meeting Minutes

funds in the amount of \$ 169,000, as well as a \$ 225,000 grant for technology in partnership with Spartanburg and District #3. She reported that academically, District #3 has had a good year - 82.6% passed the exit exam. She reported that they moved into the new District office and the building is debt free. She provided information on the academic and athletic achievements of Walker Gamble and East Clarendon High School which included Gold Awards, Silver Awards, athletic awards in volley ball, tennis, baseball, basketball, etc. Dr. Dennis commented that everyone worked especially hard – administrators, teachers and students – to make this happen and *“I am glad to be able to support them.”* Chairman Stewart thanked Dr. Dennis for her report and for the excellent achievements of District #3. He then recognized **Sandra Bagnal, the Finance Director**, who presented the **FY 2010-2011 Budget for District #3**.

Director Bagnal prefaced her presentation with the comment that her report would be one of “doom and gloom” relative to the financial aspect of District #3. She reported that District #3’s Budget reflects no increase due to a negative population growth this year and that they are requesting no additional funds. The FY 2010 Budget sustained a decrease in revenue in the General Fund, as well as Budget cuts of 9.04%, for a total revenue decrease of \$775,461 in 2010. She reported that District #3 received \$ 423,634 in Stimulus Funding; that they furloughed 2.5 days for teachers and 5 days for administration. She reported adjusted insurance premiums of \$ 165,000 reflected negatively and added to the budget deficit. For FY 2011, she reported an anticipated reduced revenue of \$ 424,442, reduced stimulus of \$ 220,700 which will result in an anticipated deficit of \$ 832,013. She stated that they were forced to cut 4 teachers, cut music and art from middle and high schools; cut guidance counselors; and cut retirees’ salaries by 10%. She stated that the new budget calls for teachers and support staff to be furloughed 5 days and administration 10 days. Director Bagnal reported that even with these reductions, the Budget is \$ 320,000 short and that the Board voted to take this amount from the Fund Balance to balance the budget. She stated that some adjustments will still need to be made but that they expect no extra funding for this year. She requested permission to issue a TAN (Tax Anticipation Note), should it become necessary, in an amount not to exceed \$ 500,000. She stated that they may experience another 2.5% cut but will have \$ 1 million dollars remaining in fund balance after using fund balance to balance the budget for 2011. Bagnal commented that District #3 is hoping to reflect an increase in real estate values. Councilman Blakely thanked Ms. Bagnal and Dr. Dennis for the fine job they are doing in District #3 schools. Chairman Stewart expressed his appreciation as did Vice-Chairman Frierson for the *“great job the District #3 staff does in meeting the educational needs of District #3.”*

3) Clarendon School District #2. Superintendent John Tindal thanked Council for *“all you have done for District #2 over the years”* and for the opportunity to present the FY 2011 Budget. He recognized the District #2 Board members in

attendance: Chairman Ceth Land, David Epperson and Ethel Sweat and thanked them for their attendance. He presented highlights of the FY 2009-2010 school year, as follows:

Page 13

May 10, 2010, County Council Regular Meeting Minutes

Academic achievements include 4 students selected in Duke TIP Talent Search with 2 of them qualified for the Duke summer Studies; 13 MJH students qualified as Junior Scholars, 2 received State Science Project Awards; MES student selected as the top elementary reader in the State; 2 additional teachers received National Board certification; 3 MHS students were regional and state winners in the National Career Development Contest for poetry; MHS received Palmetto Gold and Silver awards; all District #2 schools improved their growth and report card ratings. He reported a total of \$ 15,579 in grant funding was awarded to Manning Early Childhood and Manning Elementary teachers for instructional programs. He then presented **Cathy Pompey, the Finance Director**, who reported that District #2 reflects a balanced Budget for FY 2011 in the amount of \$ 15,326,539. She reported that the millage of 119.3 will remain the same for the new Budget year and that District #2 is requesting permission to use a TAN not to exceed \$ 1 million dollars. She added that they anticipate no increase in debt service due to Local Option Sales Tax (LOST) collections. Vice-Chairman Frierson commented to Mr. Tindal and Ms. Pompey, *"We commend you for the outstanding way in which you manage the operation of District #2 – sometimes it's like you take two fish and five loaves of bread and work a miracle."* Chairman Stewart and Councilman English agreed with Vice-Chairman Frierson's comments.

4) Clarendon School District #1. Dr. Rose Wilder, Superintendent, thanked Council for the opportunity to present educational information and the FY 2011 Budget for District #1. She introduced Lyde Graham, Finance Director, and members of the District #1 Board: Chairman John Bonaparte, Ed Tallman and Julia Dingle. She stated the goals established by the Board of Trustees: Improve student achievement at all levels; Financial solvency; Complete building project; Maintain active membership in Association for Colleges and Schools; and Receive an all clear status each year from the State Department of Education. She then reported on the financial aid received, as follows: Competitive grants funded for the 2009-2010 school year in the total amount of \$ 2.2 million provided technology equipment and supplies, salary for artist-in-residence and after school assistants, supplies and instructional programs for after-school, alternative school, professional development, and teen leadership skills, as well as assistance to teachers in becoming highly qualified. The largest grant (\$ 268,010) from AmeriCorp provides district-wide support for the District's programs. She noted that the Board Chairman, John Boneparte, serves on the AmeriCorp Board and was able to collaborate the needs of District #1. Dr. Wilder highlighted the achievements and initiatives of the schools, as follows: School-wide phonics program implemented at SECC; District-wide writing/literacy program implemented; Advanced courses added at SBMS; Spanish added to the curriculum for 4th-8th grades; MAP testing to be administered twice yearly and monthly at SBMS; Single gender classes implemented in grades 3-8; numerous monitoring programs implemented to review and monitor students as well as teachers; professional development opportunities offered to teachers; many on-

line programs available to students and teachers; and quarterly analysis of grade distribution reports and benchmark tests to aid in instructional planning and testing. Dr.

Page 14

May 10, 2010, County Council Regular Meeting Minutes

Wilder than presented **Finance Director J. Lyde Graham** to provide information on the District #1 FY 2010-2011 Budget.

Graham reported that District #1 sustained \$ 244,000 in cuts during the current school year with the first \$ 198,000 offset by State utility funds and the remainder resolved with a 2- day furlough for the teachers and 5-day furlough for the administrative staff. Graham reported that the FY 2010-2011 Budget reflects Total Revenue of \$ 5,560,580 and Total Expenditures of \$ 5,693,080 resulting in a deficit of \$ 132,500. After inter-fund transfers, the Budget is still \$ 55,000 short and additional adjustments will be made to balance it. He publicly thanked Senator Land and Representative Harvin for their assistance and support with the Senate version of the Bill in which the EFA for District #1 was increased by \$ 50,000. He reported that District #1 will be okay for 2011 but the following year will be a challenge. He added that a rebate check for \$20,000 from Progress Energy results in \$ 17,000 savings in energy costs. He announced that their plans are to divert expense from one area to another and keep teachers in the classrooms. The Board is committed to the children. He commented that District #1 *“is working very hard to squeeze as much juice from the lemon as possible.”* He reported that the 113.32 mills will remain the same as the current year due to negative CPI and no new growth. Graham requested authorization to acquire a TAN in an amount not to exceed \$ 1 million dollars should it become necessary for operation. Councilman Richardson inquired as to the start up date of the new school replacing St. Paul’s. Dr. Wilder answered that the groundbreaking was held on February 11th, the cement was poured, conduits installed and short walls are up. She reported that the District is fortunate the Finance Director has a deep background in Facilities Management and has been involved with the construction since the inception. She added that *“We are making certain that all payments are reviewed to ensure that proper funds are being used to pay for this project and we are using the balance of the funds from the Early Childhood Center, as well as the 8% funds to pay for this project.”* Chairman Stewart commented, *“What you said about your Board and teachers being committed to the children could be said about all of our Districts. We appreciate all of your work in education.”*

Consideration was given to Second Reading of Ordinance #2010-06 to Adopt the FY 2010-2011 Budget. County Controller Lynden Anthony reported that he has integrated the proposed changes as recommended in the First Reading of the County Budget for FY2010-2011. He explained these changes as follows: Added salary increases of \$ 4,136 per request of the Auditor not included in First Reading; adjusted salary and related expenses to current staffing levels for Clerk of Court, Magistrate, Assessor, Sheriff, Detention Center, Communications and Public Works; decision to purchase equipment for Detention Center, Fleet Maintenance and Finance in the current fiscal year; delay installation of new telephone system for Courthouse; reduction in EMS

related costs; and reduction in estimated support for Weldon Auditorium. These adjustments reflect a total reduction of \$ 177,818 in the General Fund deficit being presented for Second Reading. He reported that a capital improvement project, the

Page 15
May 10, 2010, County Council Regular Meeting Minutes

addition of a new fire station in Summerton, at a cost of \$ 500,000 was omitted from the First Reading but is included for the Second Reading. He explained that \$ 350,000 of this amount has accumulated in fund balance for this project and is being transferred to Capital Projects for the Fire Department to which the \$ 150,000 will be added. Anthony detailed the proposed FY 2010-2011 Budget being presented for Second Reading.

Total projected Revenue	\$ 17,740,030
(4% increase over current year)	
Total requested Expenditures	
For Operational Budget	<u>18,319,555</u>
Deficit at Second Reading	\$ 579,525

Anthony then explained that no changes have been made to the Special Purpose Districts (F. E. DuBose Vocational and Library) other than the transfer of the \$ 350,000 to the Fire Department. For Second Reading of the FY 2010-2011 Budget, the total County General Operational and Debt Budget of \$ 18,786,356 plus the Special Purpose Districts Operation and Debt of \$ 4,628,932, results in total Appropriations for Expenditures of \$ 23,415,288. Anthony reported that these figures do not include the expenses of the two Enterprise Funds: the Water & Sewer Department \$ 338,833 and the Weldon Auditorium Complex of \$ 337,387. He added that the County is requesting the use of a potential TAN in an amount not to exceed \$1.5 million. He explained that there is still a lot of work to be done to balance the County Budget prior to Third Reading and reiterated that it is out of balance in the amount of \$ 579,525 at Second Reading. He asked Council's consideration for approval of Second Reading of Ordinance #2010-06 as presented to include the FY 2010-2011 Budgets from Clarendon School Districts #1, #2 and #3 as presented, to include TANS as requested (County - \$ 1.5 million; School District #1 - \$ 1 million; District #2 - \$ 1 million; District #3 - \$ 500,000), all with no tax increases. Vice-Chairman Frierson inquired as to the status of the COLA (cost-of-living allowance) remaining in the Budget. Anthony stated 3% is included for Second Reading at a total cost of \$ 227,424 and explained that each 1% represents approximately \$75,000.

Upon motion of Councilman Blakely, seconded by Councilman Richardson, **Council voted unanimously to grant Second Reading to Ordinance #2010-06 to include information presented by Anthony and the School Districts plus TANS as requested, and to direct the administrative and financial staff to bring back a balanced Budget for Third Reading.**

Chairman Stewart thanked Lynden Anthony, Tammy Rodvansky, the Budget Analyst, and other staff members for their diligent work on the Budget. Vice-Chairman Frierson commented, *"I am proud of the County for keeping eyes on the taxpayer dollars*

and being good stewards while at the same time enforcing no furloughs, no layoffs, no personnel cuts.”

Page 16

May 10, 2010, County Council Regular Meeting Minutes

Consideration was given to Resolution to Adopt Hazard Mitigation Plan Update 2010-2015. Administrator Houser reported that the Hazard Mitigation Plan must be updated every five years and that Santee-Lynches Regional Council of Governments has prepared the update to the Plan which will extend it to 2015. He asked Emergency Operations Director Anthony Mack to provide an overview of the Plan. Mack reported that the County is required to have a Hazard Mitigation Plan and that Clarendon County participated jointly in the planning process with other entities of government in the Santee-Lynches Region to prepare the initial Hazard Mitigation Plan. He added that this update basically provides a review and edit of the Plan for current data and extends the Plan to 2015. Chairman Stewart read the Resolution after which upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council voted unanimous adoption of the Resolution as presented.**

Consideration was given to Law Enforcement Mutual Assistance and Support Agreements Between the City of Myrtle Beach and Clarendon County relative to the County Sheriff's Office Staff and the County Detention Center Staff. Attorney Epperson explained that although there are two separate Agreements, the basic intent is the same for both – to provide mutual assistance and support between the two counties when and as needed. He further explained that Council's approval would allow the Administrator to execute agreements as presented. Upon motion of Councilman Richardson, seconded by Councilman Blakely, **Council unanimously authorized the Administrator to execute the Agreements Between the City of Myrtle Beach and Clarendon County.** Jim Latham asked, *“Does this mean our Sheriff's Deputies will travel two hours to assist Myrtle Beach? There are counties a lot closer to them than Clarendon. That doesn't sound practical.”* Attorney Epperson explained that this is a reciprocal agreement to be used in the event of natural disasters, extreme traffic situations, etc. Administrator Houser added, *“We would have the option to assist if we could at the time needed.”* Latham persisted, *“Clarendon County always needs additional law enforcement and now we are going to send them to Myrtle Beach?”* Houser responded, *“This is a reciprocal agreement to assist if the availability is there.”*

Consideration was given to Board Appointments and the Chairman asked the Clerk to Council, Betty S. Pritchard, to present the appointments to be considered. She presented the following:

1) Library Board: The Clerk reported that there are currently three vacancies on the Library Board – one from each District. She reported receipt of an application from Linda Lemon of District #2 to fill the unexpired term of Jann Jayroe who moved from the County. She advised that as other applications are received, they will be presented to Council. Councilman Blakely recommended the name of Mary Beth

Gibbons as a prospective appointee to the Library Board and asked the Clerk to send her an application. Upon motion of Vice-Chairman Frierson, seconded by Councilman

Page 17

May 10, 2010, County Council Regular Meeting Minutes

English, **Council voted unanimous approval to the appointment of Linda Lemon to fill the unexpired term of Jann Jayroe which will expire June 30, 2011.**

2) **Archives Advisory Board.** The Council Clerk reported that the Archives Board is requesting reappointment of Sherry Stewart, Judge James Dingle and Carole Summers who are all active members and have agreed to reappointment. She advised that the Board is seeking a replacement for the vacancy formerly held by Mary Cooper and that applications have been sent to three District #3 residents – one has called with a rejection and the other two have not responded. Councilman Blakely recommended the name of Robertha Harrison as a prospective appointee to the Archives Advisory Board and asked the Clerk to send her an application. Upon motion of Councilman English, seconded by Councilman Richardson, **Council voted unanimous approval to the reappointment of Sherry Stewart, Judge James Dingle and Carole Summers to serve another term to expire June 30, 2013.**

Administrator Houser submitted his Report, as follows:

1) **County Financial Report as of March 31, 2010,** reflects **Revenue of \$ 13,347,752** or **78%** of Budget and **Expenditures of \$ 12,659,654** or **74%** of Budget (70% without Grant Expenditures).

County Financial Report as of April 30, 2010, reflects **Revenue of \$ 15,282,187** or **88%** of Budget, and **Expenditures of \$ 14,205,972** or **77%** of Budget (77% without Grant expenses), resulting in a **surplus of \$ 1,076,215.**

2) **Financial Reports for March 31, 2010,** were received from School Districts #1, #2 and #3 and are contained in the Council packets.

3) **Report of the “C” Fund Program – “C” Fund Report as of March 31, 2010,** has been received from SC DOT as to their monthly accounting; and the Consolidated “C” Fund Report reflects **Funds received in March of \$ 80,008**, in addition to the cash balance at February 28, 2010, of **\$ 894,113, resulting in Total Funds of \$ 974,121** with Local Paving Project expenditures of \$ 83,107, State construction expenses of \$ 700, leaving a **Cash Balance at March 31st of \$ 890,315** with commitments of \$ 890,315 for Remaining Local Paving Projects of \$ 239,376; Remaining Construction by State of \$ 597,519 and State Construction Projects Reserve of (\$ 53,419) leaving an **uncommitted balance of \$ -0-.** The County Attorney is still working on obtaining right-of-way easements for Brogdon Road, from Tearcoat to Plowden Mill, and for Rev. J.W. Carter Road and Billups Road for Spring paving. Since the April Council meeting, no additional easements have been received from Brogdon (still need easements on 14 parcels, many with multiple owners); all easements have been received from Rev. J.W. Carter Road; and still waiting on 1

easement from Billups Road which should be received any day and paving of this will start soon thereafter.

Page 18

May 10, 2010, County Council Regular Meeting Minutes

4) **Clarendon County Water & Sewer Department** - Statement of Operations for the ten-month period ending April 30th reveals **Total Operating Revenue of \$ 276,913** and **Operating Expenses of \$ 219,948** for an **Operating Revenue Gain of \$ 56,965**. With depreciation expenses of \$ 29,400, there is a **net Utility Income of \$ 27,565 for the ten-month period**. Houser reported that a 25 hp pump is being replaced with a 75 hp pump and an electrical panel is being installed at the lagoon to assist with monitoring.

5) **Clarendon County Bond Rating** - Standard & Poor's Long Term Rating is BBB+ on the \$ 3.25 million Revenue Bonds (Weldon); they confirmed an **A+ rating** on the current GO bonds outstanding. Moody's rating improved from Baa1 to **A1**. Houser reported that for a small, rural county, these are superior ratings for Clarendon County. He added that these excellent ratings helped immensely in attracting very good interest rates on the Weldon bonds. Councilman English commended Administrator Houser, Controller Anthony and Director Sandi Tucker and staff for their efforts stating that they "*saved the County a lot of money.*" Chairman Stewart commented that the bond representative was very complimentary.

6) **News Tidbit – Clarendon County Communications Center** – Total calls received by Communications for the year 2009 were 49,172 with 26,397 (or 54%) dispatched to the Sheriff's office; 16,554 (or 34%) were dispatched to the municipalities within the County; 4,661 (or 9%) were dispatched to EMS/Emergency Medical; 1,326 (or 2.6%) were dispatched to the County Fire Department; and 234 (or .4%) were dispatched to the City Fire Department. For the first four months of 2010, a total of 18,023 calls have been received with 8,920 (or 49%) being dispatched to the Sheriff's office; 7,173 (or 40%) dispatched to the municipalities; 1,389 (or 8%) dispatched to EMS; 462 (or 2.99%) dispatched to the County Fire Department; and 79 (or .01%) to the City Fire Department. Based on the calls during the first quarter of 2010, approximately 54,000 calls are anticipated for the year 2010.

Chairman Stewart announced that his monthly written report was contained in the Council packets and offered to answer any questions Council members might have. He presented the final, mail-back, participation totals for the Census surveys prior to the door-to-door phase. He reported **Clarendon County at 70%** (2000 total rate was 48%) compared to South Carolina's current participation rate of 73%. He announced that the plans of Georgia Pacific to purchase the assets of Grant Forest Products, Inc., are in the process of being finalized and that Clarendon County will be happy to welcome Georgia Pacific back to the area. He reported on the grand opening of the new Select Labs building in the Industrial Park. He commented that Select Labs has been in operation in a building at F. E. DuBose Career Center while building their new building. He reported

that the Back to the Future at Weldon Auditorium was well attended and enjoyed by quite a number of residents. He announced the Relay for Life Event held the prior Friday evening ending early Saturday morning and reported that the Clarendon County tent won third place while the County collected over \$ 2,000. He commented that the participation and amount of the total collections, even in view of tough economic times, speaks volumes about the character of the local community. Chairman Stewart expressed appreciation to Madaline Braxton and other County employees who helped with the Relay for Life Event as representatives of the County.

Chairman Stewart announced the necessity to go into **Executive Session** to discuss a contractual matter concerning the Sheriff and to discuss a personnel matter relative to EMS/EOC. Upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council voted to enter Executive Session at 9:20 PM. No action was taken in Executive Session.**

At the conclusion of Executive Session and upon motion of Councilman Blakely, seconded by Vice-Chairman Frierson, **Chairman Stewart reconvened the Open Session at 9:50 PM.**

Chairman Stewart reported that Council received a briefing regarding the Sheriff's Department as it relates to a contractual issue and to a personnel issue relative to EMS/EOC but no action is needed at this time. He stated that Council is requesting the Administrator to continue negotiations with the Sheriff.

There being no further business, Council **adjourned at 9:55 PM without objection.**

Respectfully submitted,

Dwight L. Stewart, Jr., Chairman

Betty S. Pritchard, Clerk to Council

CERTIFICATION OF PUBLIC AND MEDIA NOTIFICATION

I, Betty S. Pritchard, Clerk to Council, Clarendon County Council, Manning, South Carolina, do hereby certify that public and media notification of the County Council Meeting of May 10, 2010, was given prior thereto by the following means:

PUBLIC NOTIFIED: ***Yes***

MANNER NOTIFIED: ***Agenda placed on the bulletin board in the Clarendon County Courthouse and F. E. DuBose Career Center***

DATE POSTED: ***May 7, 2010***

MEDIA NOTIFIED: ***Yes***

MANNER NOTIFIED: ***Agenda emailed to THE MANNING TIMES, THE ITEM, THE CLARENDON CITIZEN and THE FLORENCE MORNING NEWS***

DATE NOTIFIED: ***May 7, 2010***

***PUBLIC HEARINGS
ADVERTISED:*** ***Advertised in THE ITEM on April 25, 2010.***

Respectfully submitted,

Betty S. Pritchard, Clerk to Council